

Patent Application Serial No. 10/633,858
Inventor: Sheng-Bin

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REMARKS

Applicant appreciates the attention of the Examiner to the application. The Office Action of the Examiner of September 30, 2004 has been reviewed with care in the preparation of this response. The amendment above and the following remarks are believed to be fully responsive to this action.

Status of Claims

Claims 1-4, 6-8, and 10-22, as presented by the above amendment, are pending. The pending claims set forth a novel and non-obvious soft storage bin. Allowance of all pending claims is respectfully requested in view of the above amendment and the following remarks.

Claims 1-21 were rejected under 35 U.S.C. §102(b) as being anticipated by Bauernfreund et al (U.S. Patent No. 2,485,028).

Applicant thanks the Examiner for the telephonic interview with counsel on December 9, 2004. A discussion was held during this interview regarding a proposed amendment to certain of the pending claims and in particular to independent claims 1, 13 and 19. Following the favorable comments of the Examiner and his suggestion regarding further amendment of the pending claims to more clearly define his invention over the prior art, Applicant prepared and hereby submits the above amendment.

Claims 1, 3, 4, 6, 10, 13-15 and 19 have been amended. Claims 5 and 9 have been cancelled. Claim 22 has been added. The proposed amendment is fully supported by the specification to the application and does not include any new matter. The pending claims as amended are not rendered unpatentable by the reference cited but are instead patentably distinguishable over such prior art.

Applicant now turns to the particular points raised by the Examiner in the Office Action of September 30, 2004 as they pertain to pending claims 1-4, 6-8, and 10-22.

Rejection of Claim 1 under 35 U.S.C. §102(b)

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Bauernfreund. Claims 2-4, 6-8, and 10-12 are dependent to claim 1. Anticipation requires that the identical invention to that contained in a claim be described in a single prior art reference. Richardson v.

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Suzuki Motor Co., 868 F.2d 1226, 9 USPO 2d 1913 (Fed. Cir. 1989). Claim 1, as amended, is directed to an improved soft storage bin having several structural features not disclosed by Bauernfreund.

The bin in amended claim 1 includes a body of flexible material forming a closed bottom where the bottom is bound to each of the bin's four sidewalls along each sidewall's bottom edge. These features are missing from Bauernfreund since that reference discloses only a utility box having an open bottom comprised of a fabric ledge 28 extending around the bottom edges of the box's sidewalls 18, 20 (Fig. 3; column 2, lines 45-48). The bottom can only be closed by inserting a base member 10 that rests upon this ledge (Column 2, lines 48-53). Since the base member is removable to collapse the box, a closed bottom bound to the sidewalls is not shown. Moreover, the base member needed to close the bottom is not composed of flexible material but is instead made from a semi-rigid piece covered with fabric (Column 2, lines 22-24).

In addition, Applicant's bin in amended claim 1 has at least one sidewall formed from the body of flexible material where there are two half-wall pockets separated by a vertical folding-seam. Each half-wall pocket receives a separate hard board and the folding-seam divides the hard boards from each other using only the flexible material.

The box in Bauernfreund, on the other hand, teaches sidewalls 20 that are creased transversely near their center to define segments 22 and 24, not separate wall boards (Column 2, lines 29-31). Since this transverse crease constitutes a fold point when the box is collapsed, a row of stitching is provided along the crease when the fabric cover is placed over all of the walls that is similar to, but distinct from, the stitching that serves as hinge connections at the junction points between the sidewalls (Column 2, lines 32-39). These joined, albeit hinged, segments of sidewalls 20 are to be contrasted with the plurality of separate elements or partitions 32 comprising the partition means of the box. These elements are specifically disclosed as being individually covered in fabric and provided with stitching between adjacent pieces to permit the partition means to be folded (Figs. 4 and 7; column 2, line 54 - column 3, line 10).

Absent these structural features, the bin described in amended claim 1 is not anticipated

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by Bauernfreund. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. V. Union Oil Co. Of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully requests that amended claim 1, as well as each claim that depend from it, be allowed.

Rejection of Claim 13 under 35 U.S.C. §102(b)

Claim 13 was also rejected under 35 U.S.C. §102(b) as being anticipated by Bauernfreund. Claims 14-18 are dependent to claim 13.

Claim 13, as amended, is directed to a soft storage bin having a body of flaccid material that forms a closed bottom which abuts entirely a surface of a bottom board inserted into the body so that the board is uniformly supported by the bottom. This bottom is also bound to each of the bin's sidewalls along their bottom edge. In addition, the claimed bin has two sidewalls formed from the flaccid material that are each embedded with two hard half-wall boards, each board being separated from the other by a folding-seam in the material of the sidewall.

The box of the reference cited by the Examiner is missing at least a closed bottom formed from a flaccid material and bound to each of the container's sidewalls. Bauernfreund discloses no more than a fabric ledge for supporting a semi-rigid piece placed within the box along the piece's perimeter. This piece is needed so that only in combination with the ledge is the bottom of the box closed off. In addition, Bauernfreund is lacking two sidewalls having two individual hard boards embedded within each of them, these boards being kept apart by a seam in the sidewall's material. The Bauernfreund container has sidewalls that are creased in their middle to create two joined segments, not separate half-wall boards.

For these reasons, Applicant believes that the rejection of claim 13 in the Office Action has been traversed by amendment. Applicant submits that amended claim 13 and each of the claims that depend from it are now in position for allowance.

Rejection of Claim 19 under 35 U.S.C. §102(b)

Claim 19 was also rejected under 35 U.S.C. §102(b) as anticipated by Bauernfreund.

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Claims 20-22 are dependent to claim 19.

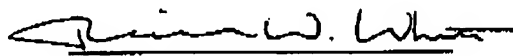
Claim 19, as amended, is directed to a soft storage bin having a contiguous body of flexible material that forms a closed bottom for the bin and its four sidewalls. The bin also has two opposed sidewalls embedded with two hard half-wall boards separated from each other by a vertical folding-seam in the material. The container in Bauernfreund clearly lacks a closed bottom formed from material contiguous with its sidewalls. In addition, Bauernfreund fails to disclose any sidewall that is embedded with two individual hard boards.

Claim 19 as amended overcomes its rejection under 35 U.S.C. §102(b) and Applicant respectfully requests that claim 19, as well as claims 20-22 that depend from it, be allowed.

Conclusion

Applicant's invention, as set forth in the pending claims, represents a highly desirable soft storage bin. Applicant believes that claims 1-4, 6-8, and 10-22, as amended, include essential features not disclosed or suggested in the prior art. Applicant submits that all rejections in the Office Action have been traversed by amendment and argument, placing the application in condition for allowance. Early favorable action is earnestly solicited. The Examiner is invited to call the undersigned if such would be helpful in resolving any issue which might remain.

Respectfully submitted,



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